

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RYAN D. HUMPHREY,) CASE NO. 1:05 CV 1583
)
Petitioner,)
)
v.) JUDGE DONALD C. NUGENT
)
MARGARET BRADSHAW, WARDEN,) Magistrate Judge William H. Baughman, Jr.
)
Respondent.) <u>JUDGMENT</u>

Pursuant to this Court's Memorandum Opinion and Order, the Report and Recommendation of Magistrate Judge William H. Baughman (Document #11) is ADOPTED. Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Document #1) is hereby DISMISSED on the basis that it is untimely.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: December 4, 2007